

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

BAKTASH AKASHA ABDALLA,
a/k/a “Baktash Akasha,” and
IBRAHIM AKASHA ABDALLA,
a/k/a “Ibrahim Akasha,”

Defendants.

14 Cr. 716 (VM)

THE GOVERNMENT’S PRE-HEARING SUBMISSION

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The Government respectfully submits this memorandum in advance of the July 25, 2019 *Fatico* hearing (the “Hearing”) being conducted in connection with the sentencings of Baktash and Ibrahim Akasha (the “Akashas”).¹ The Akashas concede that based on their attempt to import staggering quantities of drugs into the United States, their Organization’s use of guns and violence, and their obstruction of justice, the applicable sentence under the United States Sentencing Guidelines is life imprisonment. Seeking to avoid such a sentence, however, the Akashas dispute the extent of their historical drug trafficking and their involvement in acts of violence, including the 2014 murder of a drug trafficker known as “Pinky”—all of which is undoubtedly relevant to this Court’s determination of the appropriate sentences in this case. Through evidence presented at the Hearing and attached to this submission, the Government will prove the full extent of the Akashas’ relevant conduct, and will expose their current efforts to mislead this Court.

¹ The Government respectfully requests that the Court accept this submission under seal temporarily. The Government will file this brief publicly following the Hearing.

Following the Hearing, the Court should reject Ibrahim's objections to the Presentence Investigation Report (the "PSR") and Baktash's recent claim that he was not involved in the murder of Pinky. All of the facts presented at the Hearing, and in the attached exhibits, should be considered and adopted by the Court in imposing sentence. To the extent the Court is prepared to proceed to sentencing Baktash on July 26, 2019, as scheduled, the Court should impose a sentence of life imprisonment.

PRELIMINARY STATEMENT

For decades, the Akashas operated an international drug business of massive proportions, distributing large quantities of mandrax,² cocaine, hashish, heroin, and ephedrine (a methamphetamine precursor), among other substances, to locations all over the world. The Akashas protected their lucrative drug business with violence, murder, and related threats, doing whatever was necessary to advance the criminal empire they inherited from their father after he was murdered in 2000.

In 2014, as part of a sting operation by the Drug Enforcement Administration (the "DEA"), the Akashas were given the opportunity to import mass quantities of heroin and methamphetamine into the United States. They jumped at the chance. Ultimately, the Akashas supplied confidential sources working at the direction of the DEA with 99 kilograms of heroin and 2 kilograms of methamphetamine. At the time of their arrest, the Akashas had another 500 kilograms of heroin en route from the Afghanistan-Pakistan region toward Kenya for intended distribution in the United States. While the Akashas pled guilty to their involvement in this drug importation

² "Mandrax" is a common name for methaqualone—a schedule I controlled substance. Methaqualone is also commonly referred to in the United States as "quaaludes."

conspiracy, they have now denied their participation in acts of brutal violence, and sought to minimize the extent of their historical drug operations.

Baktash has, in particular, falsely denied his involvement in the 2014 murder of a drug trafficker named Pinky. (Dkt. No. 169, at 3 & n.4). Ibrahim has likewise falsely denied his involvement in Pinky's murder and has made the extraordinary claim that he did not participate in *any* assaults, violence, or threats of violence. (Ibrahim Akasha PSR, at 31-32). Despite having pleaded guilty to participating in a conspiracy to use and possess machineguns and destructive devices in furtherance of this drug business, Ibrahim also now claims that he, personally, only possessed a gun in connection with his purported legitimate business dealings (*id.* at 31), and that he never brandished his gun to threaten any of the Akashas' rivals (*id.* at 31-32). More than just denying his involvement in violence, Ibrahim has sought to minimize his involvement in the Akashas' vast drug-trafficking enterprise—falsely claiming, for example, that he had no involvement in the Akashas' sourcing and distribution of narcotics precursor chemicals from China and India, and that he had no relationship with the Akashas' drug-trafficking partners. (*Id.* at 32).

The evidence at the Hearing will lay bare the Akashas' bold efforts to mislead this Court. The Government will present the testimony of Vicky Goswami—the Akashas' trusted co-conspirator who is now a cooperating witness for the Government. Goswami is uniquely situated to provide the Court with an inside perspective of this crime family's illegal businesses. He had a decades-long criminal relationship with the Akashas. In 2013, after he was released from a long prison sentence in Dubai, Goswami moved to Kenya and worked in partnership with Baktash, Ibrahim, and others on their drug ventures and violence. Goswami is expected to detail for the Court the Akashas' involvement in, among other things, the murder of Pinky; the kidnapping and

assault of rival drug trafficker David Armstrong; and violent attacks on associates of another rival drug trafficker Ali Punjani, including the kidnapping of an individual known as “Speedy” and the near-fatal assault of Tony Sanghani. Goswami will also describe the Akashas’ extensive use and possession of firearms, including handguns, machineguns, and grenades, as well as the Akashas’ gun-trafficking operations with terrorist group al Shabaab. Goswami is further expected to describe how the Akashas used violence and guns as part of an illegal extortion business in Kenya. Goswami is also expected to testify about Baktash’s violent behavior outside of his illegal businesses, including torturing one of his children, beating his current wife, and murdering his prior wife.

Although the Akashas have attacked Goswami’s reliability in prehearing submissions, his testimony is corroborated by extensive evidence. As detailed below, the Akashas confirmed their prolific drug trafficking and brutal acts of violence—with pride—in recorded statements to DEA confidential sources in 2014. Their international drug operations are further evidenced in documents seized from the Akashas’ fortified base of operations at Baktash’s home in Mombasa. And the Akashas’ use of guns and violence is additionally corroborated by photographs seized from their phones and firearms seized from Baktash’s home. Ultimately, in stark contrast to the defendants’ blatant misrepresentations to the Court, the evidence will show that the defendants were notorious drug traffickers who engaged in kidnappings, assaults, and murder to maintain power over the South African drug market.

DISCUSSION

I. Background: The Akasha Organization’s Historical Drug Trafficking

Goswami first came into contact with the Akasha family in the late 1980s, when he worked with Baktash, Baktash’s father—Ibrahim Abdalla Akasha (“Abdalla”)—and another drug trafficker named Muhammad Asif Hafeez to distribute internationally tons of hashish and mandrax.³ In 2000, Abdalla was murdered in Amsterdam in connection with a drug-debt dispute. Baktash later proudly told Goswami that he avenged his father’s death by having his father’s assassin murdered on the same street where Abdalla was killed, exactly one year after his death. Baktash confirmed the same during a recorded meeting with a DEA confidential source on March 29, 2014. During the recorded meeting, Baktash described his father’s death in Amsterdam and how, after one year, Baktash went to Amsterdam to find his father’s assassin, who Baktash caught in the “same place . . . [on] the street” (GX 417-T, at 1).⁴

The recorded meetings from the DEA’s investigation of the Akasha crime family are replete with other confirmations of their long history in drug trafficking. During a September 19, 2014 meeting, for example, Baktash described his historical drug trafficking with his father, Goswami, and Hafeez. (GX 404-T, at 2-3). Baktash described how Hafeez and Goswami used to send “tons” to “Europe,” and how Baktash and his father “worked with him.” (*Id.*). Baktash’s brother (and drug trafficking associate), Faisal, may have put it best during a March 28, 2014 meeting when he described the importance of the Akasha name in Kenya: “whoever comes, and

³ Hafeez is charged before this Court in Indictment S9 14 Cr. 716 and is in custody in London pending an extradition submitted by the Government.

⁴ The Arabic language translations attached to this brief were created by Certified Interpreter Ihab M. Ali through translation services company Global Arena Inc. Transcriptions of English language conversations were created by staff at the U.S. Attorney’s Office. The underlying recordings are also provided for the Court’s reference.

wherever they come from, [when they] say [our] name, they know we are drug dealers [m]eaning we work in drugs.” (GX 400-T, at 16).

II. The Akashas’ International Drug Business

A. 2013: The Akashas Ask Goswami to Assist in Their Drug Business

In December 2012, Goswami completed a 15-year prison sentence in Dubai for his involvement in manufacturing and distributing methaqualone with Hafeez and others. Goswami arrived in Kenya in early 2013 and was soon thereafter approached by Baktash, Ibrahim, and Faisal. The Akashas sought assistance from Goswami in distributing a mandrax precursor chemical, which they referred to as “abba.” The Akashas explained to Goswami that they had access to 10 tons of abba that had been seized by Kenyan law enforcement, and which was provided to the Akashas on a rolling basis after they bribed the officials responsible for guarding the abba stockpile. The original owner of the abba was another drug trafficker named David Armstrong, with whom Baktash had partnered previously to distribute mandrax. At the time the Akashas approached Goswami, Baktash was overseeing the distribution of this abba stockpile, and Ibrahim was managing the logistics of transporting the abba and bribing Kenyan officials for continued access.

Around this time in early 2013, the Akashas made clear to Goswami that distribution of Armstrong’s seized abba was far from their only illegal business. Ibrahim detailed for Goswami his ongoing involvement in the distribution of cocaine, ephedrine, and mandrax. Ibrahim said that he was purchasing kilogram quantities of cocaine from Tanzania and distributing it to street users in Malindi, Kenya, making a profit of approximately \$60,000 to \$70,000 per kilogram. Ibrahim told Goswami that he was also bribing government employees at Kenyan government laboratories and warehouses in exchange for ephedrine (which could be used to manufacture

methamphetamine). Ibrahim told Goswami that he had been involved in the distribution of ephedrine for approximately 7 or 8 years, and that he had made hundreds of thousands of dollars in profit. Ibrahim also explained to Goswami that he was involved in purchasing mandrax from suppliers in Mombasa and Nairobi, and transporting that mandrax to South Africa, where it commanded a higher price. Finally, Ibrahim told Goswami that when he was in South Africa delivering mandrax, Ibrahim would purchase stolen cars that he sold in Kenya.

Goswami's anticipated testimony regarding Ibrahim's long-term involvement in extensive drug-trafficking operations is confirmed by Ibrahim's own words. During a September 21, 2014 recorded meeting with a DEA confidential source, Ibrahim described paying bribes to steal "tons and tons" of ephedrine from a government laboratory in Nairobi (GX 405-T, at 9):

Participant	Translation
1. Ibrahim:	Before we used to go steal from the government lab. Ephedrine.
2. CS-Rashid:	From where?
3. Ibrahim:	The government's lab. Laboratory.
4. CS-Rashid:	Here?
5. Ibrahim:	No, Nairobi. I used to steal a lot.
6. CS-Rashid:	How would you do it?
7. Ibrahim:	[U/I] see.
8. CS-Rashid:	Oh yeah?
9. Ibrahim:	[U/I] see. I used to go steal tons and tons.
10. CS-Rashid:	Easy, or hard, or hard?
11. Ibrahim:	Huh?
12. CS-Rashid:	It was easy or hard?
13. Ibrahim:	It was hard, but the men I used to do [U/I] care.
14. CS-Rashid:	Oh, you have people?
15. Ibrahim:	Yeah, I used to bribe everybody. I used to be young.
16. CS-Rashid:	Ah that's what I am telling you, you pay everybody.
17. Ibrahim:	You pay everybody [U/I] at night [U/I] I go, and I own a van. I load it full. [U/I].
18. CS-Rashid:	How much you get?
19. Ibrahim:	Before [U/I] one thousand [U/I] kilos.

Ibrahim went on to describe transporting mandrax (which he referred to as "Vicky's stuff" because Goswami specialized in mandrax distribution) and traveling from South Africa to Kenya in a

“stolen car.” (GX 405-T, at 10). Photographs seized from Ibrahim’s phone and Facebook account further demonstrate the large amounts of cash he was making through these illegal businesses (*see* GX 500-H4 through GX 500-H8 and GX 600-01):



B. 2014: The Akashas Expand Their Abba Business

1. The Akashas Forge a Partnership with Chinese Abba Supplier Martin Hong

In late 2013, Goswami accepted the Akashas' proposal and began to help them distribute the abba that the Akashas accessed through their corrupt connections to Kenya officials to large-scale manufactures of mandrax in South Africa. From there, the Akashas and Goswami expanded their illegal distribution of abba by seeking out other suppliers. Baktash obtained contact information for an abba supplier in China named Martin Hong, who had previously supplied abba to David Armstrong. In approximately June or July of 2014, Baktash arranged for Hong to travel from China to Mombasa to meet with the Akashas and Goswami. The Akashas and Goswami proposed to Hong that Hong supply them with abba at a rate of \$40,000 per ton, plus an additional \$30,000 per ton if Hong agreed to an exclusive partnership with the Akasha Organization. At the initial meeting, Hong was hesitant to commit to this exclusive partnership. The Akashas and Goswami decided to have Ibrahim host Hong for a day, taking him to a national park and other tourist attractions in hopes of persuading him to accept their offer. At the end of the day, Ibrahim reported back to Baktash and Goswami that Hong was inclined to accept their offer, and the next day Hong did. Over the next three years—including while the Akashas were bailed pending the U.S. extradition request that they were actively obstructing—Hong provided the Akasha Organization with approximately 10 tons of abba. Notably, in a search of Baktash's home following his arrest in this case, law enforcement seized documents reflecting abba sent by Hong. (*See, e.g.*, GX 209 (shipping record for importation of abba from China to Johannesburg)).

2. The Akashas Finance Mandrax Production Efforts in Zimbabwe

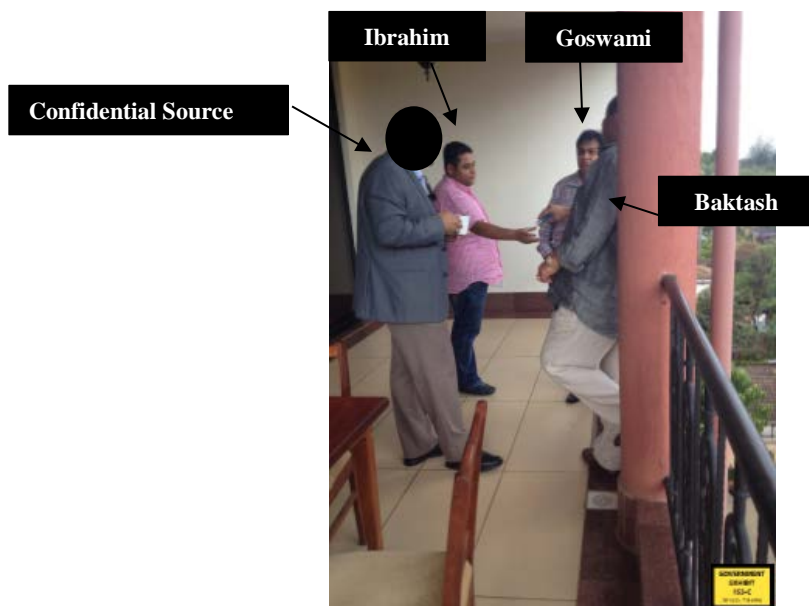
At around the same time as their negotiations with Hong, the Akashas invested in a mandrax manufacturing operation in Zimbabwe. The Akashas and Goswami were approached by

two narcotics transporters, Daryl and Clement, who were seeking financing for an operation through which a mandrax-precursor chemical called anthranilic acid would be transported from India to Zimbabwe, where it would be manufactured into mandrax tablets. Daryl and Clement needed money to bribe local officials to obtain permits to import multi-ton shipments of anthranilic acid into Zimbabwe. Excited by the prospect of this operation, Baktash immediately invested—providing Daryl and Clement with approximately \$30,000 in cash that he had on-hand at his residence. Through bribes, Daryl and Clement obtained the necessary authorizations—documentation of which was again seized from Baktash’s residence following his arrest. (GX 210, 211).

C. March 2014: The Akashas Ask Goswami to Assist in a U.S. Heroin Deal

In approximately March 2014, Baktash and Ibrahim made a new proposal to Goswami. Baktash had met an individual named “Rashid,” whom Baktash believed represented a Colombian drug cartel but was in fact a confidential source working for the DEA. Baktash and Ibrahim had enthusiastically agreed to supply Rashid large quantities of heroin for importation into the United States, and sought Goswami’s assistance in this deal. Baktash, Ibrahim, and Goswami met at a Chinese restaurant to discuss the transaction, and the tens of millions of dollars they expected in profit. Goswami agreed to assist, and several weeks later Rashid traveled to Kenya for further negotiations. On April 25, 2014, Baktash, Ibrahim, Goswami and others met with Rashid at an

apartment in Nairobi, where they discussed the details of this heroin importation scheme (GX 153-C):



Prior to the April 25 meeting, Baktash indicated that he wanted to introduce Rashid via a Skype call to Abdul Syed, one of Baktash's sources of heroin in Afghanistan. Goswami observed Ibrahim purchase the tablet for the call, and Goswami, Baktash, and Ibrahim all discussed the purpose of the call. During the call, Baktash emphasized to Syed that the heroin must be the "number one quality" because it is "going to America." (GX 401-T, at 4). Baktash exclaimed "we are entering the great country" (*id.* at 12), and that they would all reap "huge profits" (*id.* at 14). Baktash invited Syed to bring his associates to Mombasa so they would see how Baktash was "living like a lion," and would know he is a serious trafficker. (*Id.* at 18). Syed advised Baktash that he had 420 kilograms of heroin currently available, and they agreed to speak further soon. (*Id.* at 21).

D. May 2014: The Akashas and Goswami Negotiate with Heroin Suppliers

1. Goswami Approaches Hafeez to Supply Heroin

At around the same time that Baktash was negotiating with Abdul Syed about providing the U.S.-destined heroin, Goswami reached out to Hafeez, who, as described above, had a long history of drug trafficking with Goswami and the Akasha family. Hafeez ultimately agreed to assist in the U.S. heroin transaction and, as explained below, supplied the 99 kilograms of heroin that was seized by the DEA.

2. The Akashas Meet with Heroin Suppliers “Harriri” and Mohammed Nasser in Tanzania

While negotiations continued with Syed and Hafeez, Baktash and Ibrahim continued to scout out additional sources of heroin for the U.S.-deal. In early May 2014, Baktash and Ibrahim traveled to Tanzania to meet with heroin suppliers. They ultimately met with two suppliers—“Harriri” and Mohammed Nasser—and reported back to Goswami following the meetings. Baktash and Ibrahim described to Goswami Nasser’s connections within the Tanzanian government that could be useful in their drug operations, and told Goswami about how Nasser showed the Akashas samples of heroin during this meeting. Notably, records seized from Baktash and Ibrahim’s phones show contact information for a “Hariri TZ” (Hariri Tanzania). (GX500-C (Ibrahim’s Phone), GX504-B (Baktash’s Phone)).

Upon returning from Tanzania, Ibrahim described in a recorded call to Rashid how he went and “inspected” a heroin supplier’s inventory. (GX 405-T, at 2). Ibrahim described how he counted and viewed the inventory, and assured Rashid that Rashid would be “pleased” with the product. (*Id.*). Ibrahim described Nasser as an “old friend” of Baktash with contacts inside “security”—an apparent reference to Nasser’s relationships in the Tanzanian government. (*Id.*).

Baktash later described to Rashid in a recorded call how he received overwhelming interest from heroin suppliers, who were traveling from “Afghanistan and Pakistan” because “everyone wants to do this business with me.” (GX 403-T, at 4). Baktash told Rashid that once Rashid visited, he would see this interest and the suppliers would “salute” Rashid for doing business with the “son of Akasha.” (*Id.*).

E. May 2014: The Akashas Expand their Ephedrine and Methamphetamine Drug Business

While negotiating this heroin importation scheme, the Akashas and Goswami also worked to obtain and distribute large quantities of ephedrine, which they planned to sell on the black market and also to manufacture into methamphetamine for distribution internationally.

1. Avon Life Sciences

In approximately May 2014, Goswami, Baktash, and Ibrahim attended a meeting at Baktash’s home with an individual named Dr. Bipin Panchal, who offered, among other things, to broker a relationship between the Akasha Organization and an Indian manufacturer of ephedrine called Avon Lifesciences (also known as Avon Organics). The group discussed using laboratories in Burundi, Uganda, and Tanzania to manufacture the ephedrine into methamphetamine. In pursuing this plan, Baktash set up a meeting with the Ugandan President’s sister-in-law to discuss methods of illegally importing ephedrine into Uganda. Baktash, Ibrahim, Goswami, and Panchal attended the meeting, at which the President’s sister-in-law offered to provide a license to import the ephedrine, two tons at a time, in exchange for a percentage of the profits.

2. Minesh Patel

At around the same time in May 2014, the Akashas and Goswami were also engaged in discussions with a methamphetamine supplier named Minesh Patel—who was introduced to them through one of Baktash’s drug associates. Ibrahim and Baktash ultimately coordinated with Minesh to supply the methamphetamine that Ibrahim turned over to Rashid as part of the sting operation described below.

F. September 2014: The Akashas Provide Rashid with a Kilogram Sample of Methamphetamine

As the Akashas cultivated connections to ephedrine suppliers and worked toward being able to manufacture methamphetamine in Africa, they offered to supply methamphetamine to Rashid. The DEA took the Akashas up on that offer, directing Rashid to tell them that he was interested in buying large quantities of methamphetamine to sell in the U.S. market. In a July 2, 2014 call, for example, Baktash offered to sell Rashid “10 tons every month” of methamphetamine. (GX 403-T, at 5). Although monsoon season and religious observances delayed the completion of the Akashas’ deal with Rashid in July and August 2014, progress resumed in September 2014, when Rashid traveled to Mombasa to meet with Baktash, Ibrahim, and Goswami. During a recorded meeting on September 21, 2014, Ibrahim advised Rashid that methamphetamine of the “best quality” was ready for him. (GX 405-T, at 7). Ibrahim told Rashid that he was coordinating with Minesh’s transporter (“Lali”) to pick up the methamphetamine. (*Id.*). The following day, on September 22, 2014, Ibrahim brought Rashid and Faisal Akasha to Nairobi to retrieve the sample from Lali (GX 152-B).



Ibrahim tested the one-kilogram sample of methamphetamine at his apartment and then provided it to Rashid (*See* GX 406-D (video recording)). In exchange, Rashid provided Ibrahim with payment in marked bills (GX 156, 152-C).



The following day, September 23, 2014, Baktash made clear that this sample was intended as a small example of the Akashas' ability to provide massive quantities of methamphetamine for importation into the United States. Baktash told Rashid that they were not interested in being “peddlers” of one or two kilograms, and that Baktash was working on setting up a “cook,” *i.e.*, a chemist, to manufacture the methamphetamine at a laboratory. (GX 408-T, at 7). Baktash

explained that from one ton of ephedrine, they would be able to produce “650 kilos to 700 kilos” of methamphetamine. (*Id.* at 8).

G. October 2014: The Akashas Provide Rashid with 99 Kilograms of Heroin and 1 Kilogram of Methamphetamine

In September 2014, Baktash, Ibrahim, and Goswami continued to work on supplying heroin to Rashid. The Akashas and Goswami sourced 99 kilograms of heroin from a 400-kilogram stash in Tanzania that was controlled by Hafeez. The Akashas caused a one-kilogram sample of heroin to be sent to Mombasa, which Ibrahim transported to Nairobi and provided to Rashid in October 2014. In connection with this incident, Goswami observed Ibrahim, who was armed, depart for Nairobi in a car with Baktash’s bodyguard and the kilogram of heroin. Ibrahim later confirmed to Baktash and Goswami that he had successfully handed the sample to Rashid.

In November 2014, Ibrahim coordinated and executed the delivery of the remaining 98 kilograms of heroin to Rashid. On November 7, 2014, Rashid met with Ibrahim at his apartment, where they counted and loaded the 98 kilograms of heroin into bags for Rashid. Ibrahim took \$25,000 from Rashid as partial payment for transportation costs related to the larger shipment. Ibrahim also agreed to provide Rashid with five kilograms of methamphetamine the next day, and was paid approximately \$45,000 by Rashid for that purchase. The following day, Ibrahim provided Rashid with another kilogram of methamphetamine. Rashid told Ibrahim he could not wait for the remaining four kilograms, and so Ibrahim returned a portion of Rashid’s payment. Ibrahim was arrested the next day, still in possession of \$23,000 of the marked bills from Rashid.

The 98 kilogram delivery to Rashid (depicted below) was only a fraction of the heroin the Akashas were prepared to provide Rashid. At the time of their arrest in November 2014, the

Akashas and Goswami were coordinating a one-ton shipment of heroin to Tanzania for Rashid, with 500 kilograms already loaded on a ship and en route from the Afghanistan/Pakistan region.



H. November 2014: The Akashas and Goswami Are Arrested on U.S. Charges and Bribe Local Officials to Avoid Extradition

On November 9, 2014, Baktash, Ibrahim, Goswami, and co-defendant Gulam Hussein were arrested on U.S. charges in connection with these heroin and methamphetamine importation schemes. While the group was initially detained, they quickly devised a plan for release on bail and obstruction of the U.S. prosecution. Using proceeds from their mandrax precursor business, the defendants paid hundreds of thousands of dollars in bribes to local officials, including prosecutors, judges, politicians, and law enforcement. The defendants were successful in obtaining bail and achieving years of delay in the extradition proceedings (ultimately the defendants were expelled from Kenya in January 2017).

III. The Akashas Continue Large-Scale Drug Trafficking Despite Their Arrests

The Akashas' arrests did not slow their drug business. Once out on bail, the Akashas and Goswami continued to purchase abba from China and distribute it to South Africa. They also promptly resumed their efforts to secure a large source of ephedrine so they could produce methamphetamine. In approximately April or May 2015, Baktash, Ibrahim, Goswami, and Bipin Panchal, met again at Baktash's residence to discuss sources of ephedrine. Panchal reiterated his connection to Avon Lifesciences and also offered the Akashas and Goswami ton-quantities of abba from China, which they accepted and later distributed in South Africa.

Following the spring 2015 meeting with Panchal, the Akashas and Goswami met with senior Avon representatives at Baktash's home in Mombasa. Baktash also invited to the meeting his associate Nasser, who was a drug supplier in Tanzania (*see supra* page 5). The Akashas and Goswami agreed to invest \$100,000, for which they were supposed to receive 3.5 tons of ephedrine. Baktash, Ibrahim, and Goswami hatched a plan to have the methamphetamine manufactured at laboratories in Tanzania and Mozambique. Hafeez agreed to help make arrangements for the laboratory in Mozambique, and Ibrahim agreed to oversee operations at the Tanzania laboratory.

The group agreed that the methamphetamine would be distributed all over the world, including the United States. In early 2016, Baktash and Nasser coordinated the transport of a test load of 100 kilograms of ephedrine by plane from India to Tanzania, which was later sold in South Africa. Thereafter, in April 2016, Baktash—who was unable to travel himself in light of his bail restrictions—sent his brother-in-law to India to provide Avon with the addresses for shipment of the ephedrine to Tanzania and Mozambique. Baktash's brother-in-law arrived, however, to find that the factory had been raided by law enforcement the same day. The Avon factory was

consequently shut down, and the Akashas' Avon-related plans for manufacturing methamphetamine were stalled.

IV. The Akashas' Use of Guns and Violence to Protect their Drug Business

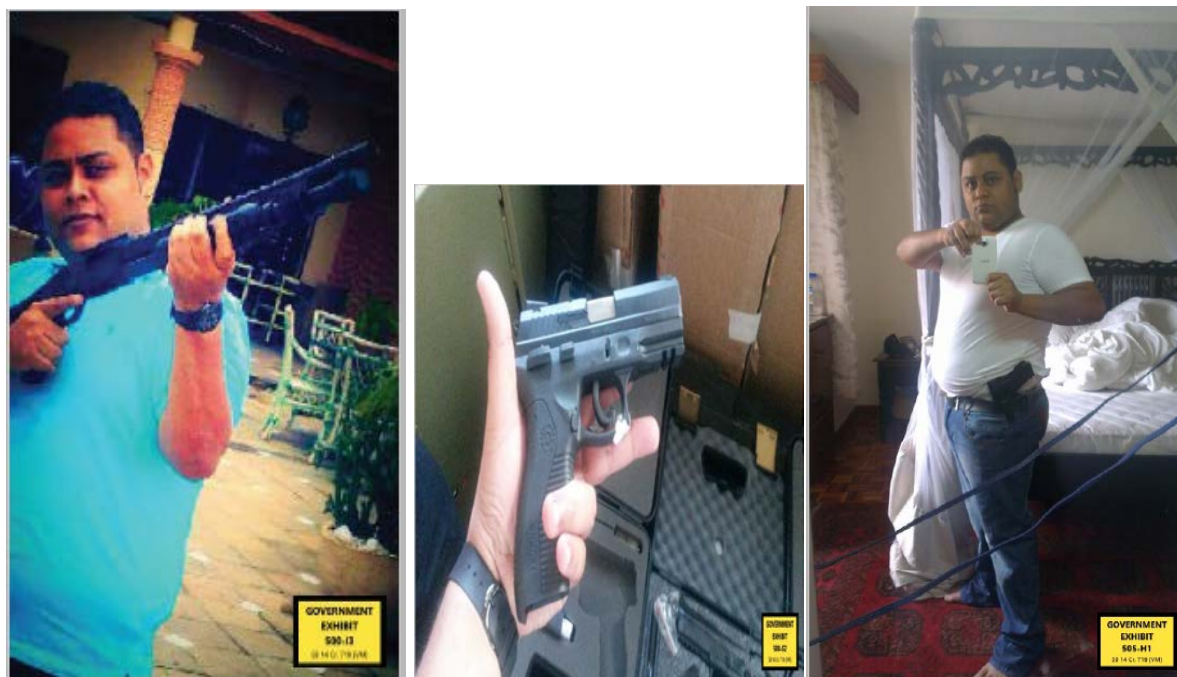
A. The Akashas' Use of Machineguns and Destructive Devices

Working with the Akashas, Goswami regularly visited their operational base—Baktash's home in Mombasa—where Goswami observed armed security guards carrying pistols and AK-47 machineguns. Baktash also typically traveled with at least one security guard who was armed and carried Baktash's handgun for him in a bag. Ibrahim likewise was regularly armed with a 9mm handgun. At the time of Baktash's arrest, his residence was searched, and law enforcement recovered, among other things, a 9mm pistol and over 50 rounds of ammunition, and a tactical shotgun and 45 cartridges (*see* GX 105-A – 105-I):





Ibrahim's phones also contains extensive evidence of his use and possession of guns, including the following photographs saved on his phone (*see* GX 500-I3, 500-G1 through 500G4, 505H-1, 505H-2):





B. The Akashas' Weapons Trafficking with Terrorists

The Akashas also trafficked weapons with members of the terrorist organization al Shabaab.⁵

Ibrahim and Baktash each described to Goswami how Ibrahim was traveling to the area of Kenya's border with Somalia to purchase weapons from al Shabaab. Ibrahim and Baktash showed Goswami stashes of the al Shabaab weapons at Baktash's home—which included machineguns and hand grenades. Baktash told Goswami that he worked with an Italian man, who brokered the sale of the al Shabaab-supplied weapons to cargo-ship crews that docked in Mombasa.

Here, too, Goswami's anticipated testimony regarding the Akashas' weapons trafficking is corroborated by recorded statements. During an April 26, 2014 recorded meeting with a DEA

⁵ On or about February 26, 2008, the United States Secretary of State designated al Shabaab as a foreign terrorist organization, and it remains so designated today. Al Shabaab has used violent means—including targeted assassinations of civilians and journalists, and the use of improvised explosive devices, rockets, mortars, and automatic weapons—to, among other things, destabilize the government of Somalia, suppress the Somali population, and force the withdrawal of foreign troops in Somalia. Since al Shabaab's designation as a Foreign Terrorist Organization in February 2008, it has made several public statements demonstrating its intent to harm U.S. interests. For example, in or about April 2008, al Shabaab released a statement declaring a campaign against the U.S. Similarly, after an al Shabaab member was killed in May 2008, al Shabaab leaders announced that the mujahideen would "hunt the U.S. government."

confidential source, Baktash described working in “Somalia” “with guns,” and explained that he had an “Italian” involved in the business who had relationships with “warlords.” (GX 418-T, at 2-3).

C. The Akashas’ Threats, Kidnapping, and Assault of David Armstrong

When Goswami reconnected with the Akashas in 2013, David Armstrong, a drug associate of the Akashas, was living with Baktash. Baktash and Armstrong had historically been drug-trafficking allies, with Armstrong providing Baktash mandrax to sell, and Baktash assisting Armstrong in protecting a drug-manufacturing laboratory that Baktash learned was the target of a law enforcement investigation in Kenya. In late 2013, Armstrong—who was not a citizen in Kenya—had run into immigration issues, and was hoping Baktash and his powerful family could use their political connections to help him. Baktash tasked another brother, “Tinta,” with bribing Kenyan politicians to assist Armstrong, and, at Baktash’s request, Goswami agreed to contribute financially to those efforts. In exchange for his investment of approximately \$200,000, Goswami was promised 500,000 mandrax tablets from Armstrong’s factory. Armstrong also promised Baktash 25% of his mandrax-manufacturing business in Congo in exchange for Baktash’s efforts.

In 2014, however, Armstrong became convinced that Baktash and Goswami were setting him up with the immigration authorities. Armstrong fled Baktash’s home without paying him or Goswami the promised returns. Moreover, one of Armstrong’s closest associates—a drug transporter named “Pinky,” who also worked for the Akashas—called Baktash and told him that Armstrong was seeking to have Goswami and Baktash killed. Within a few weeks, Baktash and Goswami learned that Armstrong was in Nairobi, and they went to his hotel to confront him along with Baktash’s armed bodyguard. At the hotel, Baktash and Goswami threatened Armstrong and demanded that they be paid what they were owed. Fearing for his life, Armstrong agreed.

The following morning, Ibrahim and several associates went back to Armstrong's hotel and kidnapped him. They brought him by force to Baktash's secure compound in Mombasa. At Baktash's compound, the argument between Baktash and Armstrong escalated. Baktash pointed his gun at Armstrong and threatened to kill him. After others intervened to prevent Baktash from murdering Armstrong, Armstrong again agreed to pay his debts to Baktash and Goswami.

D. The Akashas' Armed Confrontation with Stanley Livondo

Tensions escalated in the weeks after Ibrahim kidnapped Armstrong. Baktash began to receive threatening calls and text messages from a local politician associated with Armstrong—Stanley Livondo. Soon after, Livondo confronted Baktash at a shopping mall, and the two began to fight. Ibrahim intervened, drew his gun, and threatened to kill Livondo. The sight of Ibrahim's gun caused panic in the shopping mall, and so Baktash, Ibrahim, Goswami, and Baktash's bodyguard quickly fled. Before heading to the police station to ensure—with bribes—that there was no fallout from the incident, Baktash, Ibrahim, and Baktash's bodyguard stashed their guns with Goswami. They retrieved the weapons later that day.

E. The Akashas' Murder of "Pinky"

The Akashas' armed altercation with Livondo fueled the dispute with Armstrong. In the days following the armed confrontation with Livondo, Pinky called Baktash and defended Armstrong and Livondo. Baktash and Goswami exchanged threats with Pinky on the call. Immediately following the call, Baktash, Ibrahim, and Goswami discussed what to do in response to Pinky's threats and Armstrong's efforts to scare them. All three agreed that Pinky needed to be killed. Baktash, Ibrahim, and Goswami decided that killing Pinky would have the benefit of not only stopping Armstrong but also sending a message to the South African drug market that the

Akashas were serious traffickers who would not tolerate threats. The Akashas and Goswami met with Goswami's brother-in-law, who agreed to arrange for Pinky's murder in exchange for a half-ton of abba from the Akashas' drug business. In the weeks that followed, Baktash and Ibrahim regularly asked Goswami for updates as they were anxious to see Pinky killed quickly. Goswami ultimately received news of Pinky's death and shared it with Baktash and Ibrahim, who celebrated by drinking and dancing at Baktash's home.

Pinky's death sent a message. He was shot 32 times in the street. Rumors of the Akashas' involvement in the murder quickly spread through South Africa as intended. The Akashas used Pinky's death as leverage in their drug negotiations, with, for example, Ibrahim threatening a drug transporter that he could meet the same fate as Pinky if he did not comply with the Akashas' demands.

Although Baktash now claims that he had no involvement in Pinky's death, he and Goswami described the participation of Baktash and Ibrahim in the murder during a meeting recorded by the DEA. Goswami detailed the lead-up to Pinky's death through its bloody conclusion, and Baktash can be heard on the recording agreeing and echoing Goswami throughout Goswami's narration of the murder. Goswami started by describing how, at Baktash's request, Goswami contributed approximately \$200,000 to assist Armstrong (GX 421-T, pg. 2, lines 1-5), and how Baktash was expecting a profit of a "minimum of \$10 million" from his deal with Armstrong (*id.*, pg. 2, line 9). Goswami told the confidential source, however, that Armstrong "ran away" (*id.*, pg. 3, line 1), and that Armstrong's "right hand man" (Pinky) later called Baktash to say that Armstrong intended to kill Baktash and Goswami (*id.*, pg. 3, lines 9-20). Goswami explained how Baktash and Goswami then confronted Armstrong at his hotel and threatened him (*id.*, pg. 6, lines 4-6), and that the following day "Ibrahim picked him up" and brought him to

Baktash's home (*id.*, pg. 6, line 6). Goswami told the source that Ibrahim "wanted to beat" Armstrong, and that Baktash "beat him" and "wanted to even kill him." (*Id.*, pg.7, line 1). Goswami said that, following this incident, "Baktash pressured" Goswami and asked him to "take this guy out" (*id.*, pg. 7, line 3), and Baktash asked Goswami on a daily basis to handle the situation quickly because Baktash was "not relaxed." (*Id.*, pg. 8, line 19). On the recording, Baktash explained to the source that his "money" and his "shares" in Armstrong's mandrax factory were tied up. (*Id.*, pg. 8, line 20). Goswami told the source that he paid \$700,000 to arrange for the murder. (*Id.*, pg. 7, lines 3-5). At the conclusion of Goswami's statements, Baktash makes clear what the result was: "thirty-two bullets" in Armstrong's "right hand man," Pinky. (*Id.*, pg. 7, lines 6-8; pg. 8, line 5). Goswami told the source that, following Pinky's murder, it was clear that "nobody can fuck with us in this area," and Baktash added, "no, we're safe." (*Id.*, pg. 9, lines 4-5).

F. The Akashas Use of Kidnappings and Violence to Target the Associates of Drug Rival Ali Punjani

The Akashas' drug rivalries were not limited to Armstrong's organization. In 2014 and 2015, the Akashas' primary drug-trafficking rival in Mombasa was an individual named Ali Punjani. To show their dominance over Punjani, the Akashas targeted his associates—"Speedy" and Tony Sanghani.

1. The Kidnapping and Assault of “Speedy”

One of the Akashas’ victims was a close associate of Punjani’s known as “Speedy.” Baktash, Ibrahim, Goswami, Baktash’s body guards, and others, kidnapped Speedy from a mall and brought him to Baktash’s home, where he was beaten. A video of the incident from Ibrahim’s phone shows Goswami and others hitting and kicking Speedy as Baktash looks on. (GX 500-J).



Once the assault concluded, Baktash directed that Speedy be dropped off at Punjani’s casino to send a message. Baktash, Ibrahim, Goswami and others drove Speedy to the casino and left him there.

2. The Assault of Tony Sanghani

Another victim of the Akashas was an individual named Tony Sanghani, who was also a close associate of Punjani. In September 2014, Baktash became concerned that Sanghani was setting up an alliance between Goswami and Punjani that would push the Akashas out of the drug market. Baktash, Ibrahim, and others approached Sanghani and brutally beat him. During the assault of Sanghani, Baktash beat Goswami as well. Ibrahim beat Sanghani with his fists and his gun. Sanghani suffered serious injuries, went into a coma, and was hospitalized for several weeks.

During that time, the Akashas directed an associate to take a photo of Sanghani in the hospital, and Ibrahim saved those photos on his phone (GX 500-K1, 500-K2):



Immediately following the assault, Baktash bragged about the Akashas' brutality in a recorded call with Rashid. Baktash described how "Tony" was in the hospital and how Baktash "beat him like a dog." (GX 419-T, at 1). During the call, Baktash was emphatically clear about the purpose of this violence—to show the drug market that "Mombasa is mine and I'm taking it back." (*Id.*).

3. 2006 New Year's Eve Night Club Altercation With Punjani's Associates

Immediately prior to their expulsion from Kenya, the Akashas engaged in one final attack on Punjani's organization. On New Year's Eve 2016, Baktash and Ibrahim went to a nightclub owned by Punjani with a large group of associates, including armed guards. Goswami, who was also present, witnessed Baktash and Ibrahim draw their guns and fight with Punjani's associates. Following the altercation, Baktash and Ibrahim laughed proudly about the incident, and Baktash told Goswami he held the power in Mombasa.

G. The Akashas' Extortion Business

Separate from the violence they used to protect their drug business, the Akashas have also long been engaged in a violent extortion business. Baktash and Ibrahim were hired to collect money for notorious criminals throughout Africa. In one video from Ibrahim's phone, Ibrahim records and narrates an assault of a man covered in slash marks who is repeatedly slapped while he is questioned about money. (See GX 505J-1, 505J-1A, 505J-1B, 505J-1C).



As another example, in 2016, Ibrahim described for Goswami an incident in which Ibrahim took a man by force to a bank in Mombasa, held the man at gunpoint, and forced the man to withdraw approximately 1 million Kenyan Shilling that the Akashas claimed were owed to them. Goswami observed Ibrahim take the man by force to the bank and return with the money.

H. Baktash's Torture of His Son and Murder of One of His Wives

Baktash's violent episodes were not limited to his attacks on other drug traffickers. Baktash was regularly violent toward his family as well. Goswami witnessed Baktash, for example, tie his teenage son to a tree, beat him, and brand him with a burning metal rod. The son was hospitalized for his injuries but survived. Baktash's former wife was not so lucky. Goswami was told by both Ibrahim and Baktash's current wife that Baktash killed his former wife, and Goswami witnessed a dispute during which Ibrahim confronted Baktash about this murder (Baktash did not respond). Goswami also witnessed Baktash hit his current wife on several occasions.

V. The Akashas' Extensive Drug Trafficking and Violence Are Relevant to Sentencing

In a recent submission to the Court, Baktash's counsel suggested that a *Fatico* hearing may not be necessary, or that its scope should be limited. These arguments should be rejected. The defendants' false denial of their involvement in Pinky's murder is alone sufficient to warrant a hearing. Whether the defendants agreed to have someone killed so they could protect and expand their drug business is a fact that cannot be left unresolved at sentencing. Moreover, Ibrahim's denials extend far beyond his involvement in Pinky's murder to include his involvement in any violence, his possession of firearms, his drug trafficking of abba and other precursor chemicals, and his general role in the Akashas' drug business. To resolve these material disputes, and to understand the extent of the defendants' efforts to mislead the Court, the Court must consider the full context of the Akashas' crimes. Goswami's comprehensive testimony about the origins of the Akashas' drug business, the identities of their partners, and their role in violence is thus necessary information for the Court's imposition of sentence.

The Government's efforts to provide this Court with fulsome evidence and testimony regarding the Akashas' crimes in advance of sentencing is well-supported by the law. Pursuant to United States Sentencing Guidelines Section 6A1.3, "[w]hen any factor important to the sentencing determination is reasonably in dispute, the parties shall be given an adequate opportunity to present information to the court" regarding the disputed factor. In resolving such a dispute, the Court is not bound by the rules of evidence, and may consider any relevant information that has sufficient indicia of reliability. U.S.S.G. § 6A1.3. The Court's discretion is "'largely unlimited either as to the kind of information [the Court] may consider, or the source from which it may come.'" *United States v. Carmona*, 873 F.2d 569, 574 (2d Cir. 1989) (quoting *United States v. Tucker*, 404 U.S. 443, 446 (1972)). While defense counsel may wish to shield the defendants by limiting the sentencing record, the law directs that "[n]o limitation shall be placed on the information concerning the background, character, and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence." 18 U.S.C. § 3661 (emphasis added).

Ultimately, all of the information detailed above is relevant to sentencing and should be considered by the Court following the Hearing. The Sentencing Guidelines in this case call for a sentence of life imprisonment. Here, Probation agrees. In deciding whether to impose such a sentence, the Court must be equipped with all relevant information regarding Baktash and Ibrahim's history, character, and criminal conduct.

CONCLUSION

Based on the testimony at the Hearing and the evidence attached to this submission, the Court should reject the Akashas' efforts to minimize their conduct and mislead the Court. Following the Hearing, the Court should overrule Ibrahim's objections to the PSR and schedule a prompt date for Ibrahim's sentencing. The Court should further reject Baktash's denial of his involvement in Pinky's murder and should consider the full extent of Baktash's historical drug trafficking and violence. To the extent the Court is prepared to proceed to sentencing Baktash on July 26, 2019, the Court should impose a sentence of life imprisonment for all of the reasons set out above and in the Government's submission of April 14, 2019.

Dated: New York, New York
July 22, 2019

Respectfully Submitted,

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